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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/708,890	11/08/2000	Jeffrey Mark Bertram	16600.105005	3107
7590	09/07/2004			EXAMINER
King & Spalding 191 Peachtree Street NE 45th Floor Atlanta, GA 30303			OUELLETTE, JONATHAN P	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/708,890	BERTRAM ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jonathan Ouellette	3629	

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 13 May 2004.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 18-81 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 18-81 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20040728</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____ .                                  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Claims 18-81 are currently pending in application 09/708,890.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. **Claims 48, 52, and 53 are rejected under 35 U.S.C. 102(a) as being anticipated by American Airlines (“American Airlines Unveils New Passenger-Oriented Gate Information Display System at O’Hare International Airport,” AA Press Release, April 3, 2000).**

4. As per independent Claim 48, American Airlines discloses a computer-implemented method for displaying passenger-specific standby information to passengers in a terminal comprising the steps of: receiving the passenger-specific information for one of the passengers at a computing device; and displaying, without interaction between the passenger and the computing device, the passenger-specific information on an electronic display coupled to the computing device (“American Airlines Unveils New Passenger-

Oriented Gate Information Display System at O'Hare International Airport," AA Press Release, April 3, 2000).

5. As per Claim 52, American Airlines discloses displaying standby availability information on the electronic display.
6. As per Claim 53, American Airlines discloses a computer-readable medium having computer-executable instructions for performing the steps recited in Claim 48.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
8. **Claims 18-28, 30-38, 40, 54-69, and 79-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over American Airlines in view of Le (US 2001/0032121 A1).**
9. As per independent Claims 18, 31, 54, 66, and 79, American Airlines discloses a computer-implemented method for displaying passenger-specific boarding information to passengers preparing to board for a departure comprising the steps of: transmitting (receiving) the passenger-specific boarding information to a processing system (inherent), wherein the passenger-specific boarding information comprises one of passenger standby status; and displaying, without interaction between the passengers and the processing system, the passenger-specific boarding information on an electronic display coupled to

the processing system ("American Airlines Unveils New Passenger-Oriented Gate Information Display System at O'Hare International Airport," AA Press Release, April 3, 2000).

10. American Airlines fails to expressly disclose displaying passenger-specific advertising.
11. Le teaches displaying targeted advertising on an overhead screen in an airport environment (abstract, Fig.11, para 0012-0014, para 0057-0059).
12. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included targeted advertising, as disclosed by Le in the system disclosed by American Airlines, for the advantage of providing a computer-implemented method for displaying passenger-specific information to passengers preparing to board for a departure with the ability to use the stored customer demographic information in order to increase revenue by offering customer specific advertising.
13. Furthermore, the information displayed in the system (seating, upgrade, etc.) would be considered nonfunctional descriptive material and are not functionally involved in the steps recited. The method for displaying passenger-specific boarding information to passengers preparing to board for a departure would be performed regardless of the type of passenger-specific boarding information displayed. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
14. As per Claims 19 and 37, American Airlines and Le disclose wherein the targeted advertising is selected based on information about the passenger.

15. As per Claims 20, 32, 55, and 67, American Airlines and Le disclose wherein the electronic display is proximate to a departure gate.
16. As per Claim 21, American Airlines and Le disclose projecting an idle mode screen, comprising general flight information, on the electronic display prior to transmission of the passenger-specific boarding information.
17. As per Claims 22, 33, 58, 68, and 81, American Airlines and Le disclose wherein the step of displaying the passenger-specific boarding information comprises a transition from an idle mode screen to departure mode screen in response to a first trigger event, the departure mode screen comprising one of passenger standby status, passenger upgrade status, passenger connection information, and passenger-specific advertising.
18. As per Claims 23, 34, and 59, American Airlines and Le disclose wherein the first trigger event is a designated time before departure.
19. As per Claims 24, 35, and 60, American Airlines and Le disclose wherein the step of displaying the passenger-specific boarding information comprises a transition from a departure mode screen to a boarding mode screen in response to a second trigger event, the boarding mode screen comprising one of passenger seating information, passenger standby status, passenger upgrade status, passenger connection information, and passenger-specific advertising.
20. As per Claims 25, 36, and 61, American Airlines and Le disclose wherein the second trigger event is a designated before departure.

21. As per Claim 26, American Airlines and Le disclose wherein the step of displaying an idle mode screen, a departure mode screen, and a boarding mode screen on the electronic display comprises a presentation of passenger-specific advertising.
22. As per Claim 27, American Airlines and Le disclose wherein a departure mode screen and a boarding mode screen are displayed in association with the passenger-specific boarding information.
23. As per Claims 28 and 38, American Airlines and Le disclose clearing one of the passengers assigned a standby status to board; prompting the cleared passenger to board by displaying a prompt on the electronic display.
24. American Airlines and Le fail to expressly disclose wherein, upon attempting to board, confirming the cleared passenger's identity by scanning a unique identifier for the passenger with a scanning device coupled to the processing system.
25. However, as stated in the inventor's declaration, submitted on 11/3/2003, "using a reader device at the departure gate was well known in the industry prior to October 3, 1999."
26. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included, upon attempting to board, confirming the cleared passenger's identity by scanning a unique identifier for the passenger with a scanning device coupled to the processing system, in the system disclosed by Le, in the system disclosed by American Airlines, for the advantage of providing computer-implemented method for displaying passenger-specific information to passengers preparing to board for a departure, with the ability increase the security and effectiveness of the system by verifying/confirming the passengers before boarding.

27. As per Claims 30, 40, and 69, American Airlines and Le disclose a computer-readable medium having computer-executable instructions for performing the steps.
28. As per Claim 56, American Airlines and Le disclose wherein the remote computing system is coupled to a plurality of electronic displays.
29. As per Claims 57 and 80, American Airlines and Le disclose wherein the electronic display is further operable for rendering one of an idle mode screen, a departure mode screen, and a boarding mode screen.
30. As per Claim 62, American Airlines and Le disclose a scanning device coupled to the remote computing system, the scanning device operable for collecting identifying data from a passenger (see rejection of Claims 28 and 38).
31. As per Claim 63, American Airlines and Le disclose wherein the scanning device is further operable for displaying the passenger's seating information (see rejection of Claims 28 and 38).
32. As per Claim 64, American Airlines and Le disclose wherein the scanning device is further operable for printing a copy of the passenger's seating information (see rejection of Claims 28 and 38).
33. As per Claim 65, American Airlines and Le disclose wherein the scanning device provides the identifying data to the remote computing system for confirming that the passenger is permitted to board (see rejection of Claims 28 and 38).
34. **Claims 29 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over American Airlines in view of Le, and further in view of Northwest Airlines**

**(www.nwa.com, "Northwest Airlines E-Service Centers Make Holiday Travel Easier at Hartsfield International," Press Release, 12/23/99).**

35. As per Claims 29 and 39, American Airlines and Le fail to disclose approving an upgrade of one of the passengers; prompting the upgrade passenger to board by displaying the upgrade approval on the electronic display; and upon attempting to board, confirming the upgrade passenger's identity by scanning a unique identifier for the passenger with a scanning device coupled to the processing system.
36. However, Northwest airlines teaches displaying/managing passenger upgrade information for passengers (www.nwa.com), and it would have been obvious to one of ordinary skill at the time the invention was made to display the information incorporated in the system described by American Airlines, for the advantage of increasing the effectiveness/efficiency of the system by providing customers with all necessary and essential information prior to boarding the airplane.
37. Furthermore, as stated in the inventors declaration submitted on 11/3/2003, "using a reader device at the departure gate was well known in the industry prior to October 3, 1999."
38. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included, upon attempting to board, confirming the cleared passenger's identity by scanning a unique identifier for the passenger with a scanning device coupled to the processing system, in the system disclosed by North West Airlines, in the system disclosed by Le, in the system disclosed by American Airlines, for the advantage of providing computer-implemented method for displaying passenger-specific

information to passengers preparing to board for a departure, with the ability increase the security and effectiveness of the system by verifying/confirming the passengers before boarding.

**39. Claims 49-51 and 70-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over American Airlines.**

40. As per Claim 49, American Airlines discloses determining the standby passenger is approved for boarding; based on the approval for boarding, displaying the standby passenger's seating information on the electronic display coupled to the computing device.

41. American Airlines fails to expressly disclose, upon attempting to board, confirming the standby passenger's identity by scanning a unique identifier for the passenger with a scanning device coupled to the computing device.

42. However, as stated in the inventors declaration submitted on 11/3/2003, "using a reader device at the departure gate was well known in the industry prior to October 3, 1999."

43. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included, upon attempting to board, confirming the standby passenger's identity by scanning an unique identifier for the passenger with a scanning device coupled to the computing device, in the system disclosed by Travel Agent, for the advantage of providing computer-implemented method for displaying passenger-specific information to passengers preparing to board for a departure, with the ability increase the security and effectiveness of the system by verifying/confirming the passengers before boarding.

44. As per Claim 50, American Airlines discloses displaying the standby passenger's seating information at the scanning device (see rejection of Claim 49).
45. As per Claim 51, American Airlines discloses printing a copy of the standby passenger's information at the scanning device (see rejection of Claim 49).
46. As per independent Claim 70, American Airlines discloses a computer-implemented method for displaying passenger-specific boarding information to passengers preparing to board for a departure comprising the steps of: transmitting the passenger-specific boarding information to a processing system, wherein the passenger-specific boarding information comprises passenger information; displaying, without interaction between the passengers and the processing system, the passenger-specific boarding information on an electronic display coupled to the processing system; clearing one of the passengers assigned a standby status to board; prompting the cleared passenger to board by displaying a prompt on the electronic display (status of a standby list) ("American Airlines Unveils New Passenger-Oriented Gate Information Display System at O'Hare International Airport," AA Press Release, April 3, 2000).
47. American Airlines fails to expressly disclose, upon attempting to board, confirming the cleared passengers identity by scanning a unique identifier for the passenger with a scanning device coupled to the processing system.
48. However, as stated in the inventors declaration submitted on 11/3/2003, "using a reader device at the departure gate was well known in the industry prior to October 3, 1999."
49. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included, upon attempting to board, confirming the cleared

Art Unit: 3629

passenger's identity by scanning a unique identifier for the passenger with a scanning device coupled to the processing system, in the system disclosed by Travel Agent, for the advantage of providing computer-implemented method for displaying passenger-specific information to passengers preparing to board for a departure, with the ability increase the security and effectiveness of the system by verifying/confirming the passengers before boarding.

50. As per Claim 71, American Airlines discloses displaying an idle mode screen, comprising general flight information, on the electronic display prior to transmission of the passenger-specific information.

51. As per Claim 72, American Airlines discloses having computer-executable instructions for performing the steps previously recited.

**52. Claims 41-47 and 76-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over American Airlines in view of Northwest Airlines, and further in view of Ross (WO 9527949 A1).**

53. As per independent Claims 41 and 76, American Airlines discloses a computer-implemented method for providing passenger information to passengers preparing to board comprising the steps of: receiving the information for one of the passengers at a computing system; in response to a signal indicating a designated time prior to departure from the terminal (inherent to airline display process – information would have to be displayed prior to departure of plane), displaying, without interaction between the passenger and the computing system, the passenger's information on an electronic display coupled to the computing system ("American Airlines Unveils New Passenger-

Oriented Gate Information Display System at O'Hare International Airport," AA Press Release, April 3, 2000).

54. American Airlines fails to expressly disclose providing passenger seating information to passengers.
55. Northwest airlines teaches displaying passenger seating information to passengers ([www.nwa.com](http://www.nwa.com)), and it would have been obvious to one of ordinary skill at the time the invention was made to display the information incorporated in the system described by American Airlines, for the advantage of increasing the effectiveness of the system by providing customers with all necessary and essential information prior to boarding the airplane.
56. Furthermore, American Airlines fails to expressly disclose wherein the passenger's seating information comprising a readily recognizable identifier for the passenger and a corresponding seat assignment.
57. Ross discloses a passenger information display, which displays a surname (or a portion of the surname) as a passenger identifier (Pg.21 L14-17)
58. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the passenger's seating information comprising a readily recognizable identifier for the passenger and a corresponding seat assignment as disclosed by Ross, in the system disclosed by Northwest, in the system disclosed by American Airlines, for the advantage of providing computer-implemented method for displaying passenger-specific information to passengers preparing to board

for a departure, with the ability increase the security and effectiveness of the system by displaying information based on a passenger-recognizable identifier.

59. As per Claim 42, American Airlines, Northwest Airlines, and Ross fail to expressly disclose, upon attempting to board, reading the passenger's identity by scanning a unique identifier for the passenger with a scanning device coupled to the computing system; and using the passenger's identity to confirm that the passenger is permitted to board.

60. However, as stated in the inventors declaration submitted on 11/3/2003, "using a reader device at the departure gate was well known in the industry prior to October 3, 1999."

61. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included, upon attempting to board, reading the passenger's identity by scanning a unique identifier for the passenger with a scanning device coupled to the computing system; and using the passenger's identity to confirm that the passenger is permitted to board, in the system disclosed by Ross, in the system disclosed by Northwest Airlines, in the system disclosed by American Airlines, for the advantage of providing computer-implemented method for displaying passenger-specific information to passengers preparing to board for a departure, with the ability increase the security and effectiveness of the system by verifying/confirming the passengers before boarding.

62. As per Claim 43, American Airlines, Northwest Airlines, and Ross disclose displaying the passenger's seating information at the scanning device (see rejection of Claim 42).

63. As per Claim 44, American Airlines, Northwest Airlines, and Ross disclose printing a copy of the passenger's seating information for the passenger.

64. As per Claims 45 and 77, American Airlines, Northwest Airlines, and Ross disclose displaying passenger upgrade information on the electronic display.
65. As per Claim 46, American Airlines, Northwest Airlines, and Ross disclose displaying the upgrade status for the passenger on the electronic display; determining that the passenger's upgrade is approved; displaying the passenger's upgraded seating information on the electronic display; and upon attempting to board, confirming the passenger's identity and upgraded seating information by scanning a unique identifier for the passenger with a scanning device coupled to the computing system (see rejection of Claim 42).
66. As per Claims 47 and 78, American Airlines, Northwest Airlines, and Ross disclose a computer-readable medium having computer-executable instructions for performing the steps recited in Claim 41.
67. **Claims 73-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over American Airlines in view of Northwest Airlines.**
68. As per independent Claim 73, American Airlines discloses a computer-implemented method for displaying passenger-specific upgrade information to passengers preparing to board for departure comprising the steps of: receiving the passenger-specific information at a processing system; displaying, without the interaction between the passenger and the processing system, the passenger-specific information on an electronic display coupled to the processing system ("American Airlines Unveils New Passenger-Oriented Gate Information Display System at O'Hare International Airport," AA Press Release, April 3, 2000).

69. American Airlines fails to expressly disclose displaying passenger upgrade information, approving an upgrade of one of the passengers, and prompting the upgrade passenger to board by displaying the upgrade approval on the electronic display.
70. However, Northwest airlines teaches displaying/managing passenger upgrade information for passengers, and it would have been obvious to one of ordinary skill at the time the invention was made to display the information incorporated in the system described by American Airlines, for the advantage of increasing the effectiveness/efficiency of the system by providing customers with all necessary and essential information prior to boarding the airplane.
71. As per Claim 74, American Airlines and Northwest Airlines fail to expressly disclose confirming the upgrade passenger's identity upon attempting to board by scanning a unique identifier for the passenger with a scanning device coupled to the processing system.
72. However, as stated in the inventors declaration submitted on 11/3/2003, "using a reader device at the departure gate was well known in the industry prior to October 3, 1999."
73. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included confirming the upgrade passenger's identity upon attempting to board by scanning a unique identifier for the passenger with a scanning device coupled to the processing system, in the system disclosed by Northwest Airlines, in the system disclosed by American Airlines, for the advantage of providing computer-implemented method for displaying passenger-specific information to passengers

preparing to board for a departure, with the ability increase the security and effectiveness of the system by verifying/confirming the passengers before boarding.

74. As per Claim 75, American Airlines and Northwest Airlines disclose a computer-readable medium having computer-executable instructions for performed the steps previously recited.

***Response to Arguments***

75. Applicant's arguments filed 5/13/04, with respect to Claims 18-81, have been considered but are moot in view of the new ground(s) of rejection.

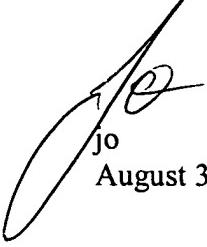
76. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

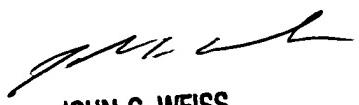
77. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

78. The declarations filed on 5/13/2003 and 11/18/2003 under 37 CFR 1.131 has been considered but is ineffective to overcome the American Airlines and Northwest Airlines references.
79. The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the American Airlines and Northwest Airlines references to either a constructive reduction to practice or an actual reduction to practice. The records provided by the applicant contain several large and unexplained gaps in time between conception and either a constructive reduction to practice or an actual reduction to practice.

*Conclusion*

80. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (703) 605-0662. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
81. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-3597 for After Final communications.
82. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.

  
jo  
August 30, 2004

  
JOHN G. WEISS  
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